

HOUSE JOINT RESOLUTION NO. 8

INTRODUCED BY C. HARRIS

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES TO MAKE ELIGIBLE FOR THE OFFICE OF PRESIDENT A PERSON WHO HAS BEEN A UNITED STATES CITIZEN FOR 20 YEARS.

WHEREAS, the drafters of the Constitution left little written record of the purpose of the natural-born citizen requirement for the Office of President; and

WHEREAS, historians trace the origin of the phrase to a letter written by John Jay to George Washington during the deliberations of the 1787 Constitutional Convention; and

WHEREAS, some sources suggest that Jay was responding to a rumor that the Convention was secretly designing a monarchy to be ruled by a foreign monarch; and

WHEREAS, the rumor was unfounded; and

WHEREAS, a preference for natural-born citizens over naturalized citizens or citizens born outside of the United States has no relevance in determining who might be fit for the Office of President; and

WHEREAS, naturalized citizens have made an express commitment to embrace the principles of the United States that is not required of even natural-born citizens; and

WHEREAS, extending qualifications for the Office of President to naturalized citizens and citizens born outside the United States is an action consistent with the Equal Protection Clause of the 14th Amendment; and

WHEREAS, the natural-born citizen requirement has disqualified many distinguished United States citizens from seeking the office of president, including former Secretaries of the Treasury Alexander Hamilton and Albert Gallatin, former Massachusetts Governor Christian Herter, former Secretary of Housing and Urban Development and Florida Senator Mel Martinez, former Secretary of State and United Nations Ambassador Madeleine Albright, and Michigan Governor Jennifer Granholm; and

WHEREAS, no natural-born citizen requirement exists for the Office of Vice President, but immigrant Vice Presidents are not appointed because most constitutional scholars agree that the immigrant Vice President could not accede to the Office of President upon the death or incapacitation of the President because of the natural-born citizen requirement.

1 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF
2 THE STATE OF MONTANA:

3 That the Congress of the United States is urged to adopt the following proposed language as an
4 amendment to the Constitution of the United States, which must be valid to all intents and purposes as part of
5 the Constitution when ratified by the legislatures of three-fourths of the several states within 7 years after the
6 date of its submission for ratification:

7 "Article -

8 A person who is a citizen of the United States, who is not a citizen of another country, who has been for
9 20 years a citizen of the United States, and who is otherwise eligible to hold the Office of President is not
10 ineligible for the Office by reason of not being a natural-born citizen of the United States."

11 BE IT FURTHER RESOLVED that the Secretary of State send copies of this resolution to President
12 George W. Bush, the Secretaries of State of each of the United States, and the members of the Montana
13 Congressional Delegation.

14 - END -